



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 2769-00
29 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Ms Davies, and Messrs. Frankfurt and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 27 September 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Navy on 17 July 1992 for four years as a BMSN (E-3). At the time of her reenlistment, she had completed nearly two years of prior active service. She was advanced to BM3 on 16 April 1993.

d. On 18 June 1993, Petitioner requested that she be separated by reason of parenthood due to being unable to meet military obligations because of her inability to provide adequate dependent care for her son. She stated that she was divorced in January 1993, expenses had increased, she was no longer able to provide or afford adequate child care on her Navy salary, and could not deploy because she had no one to care for her son. Her parents were unable to care for him and the whereabouts of her ex-husband were unknown.

e. On 9 July 1993, Petitioner was notified that her discharge was being considered by reason of convenience of the government due to parenthood. She was advised of her procedural rights and waived those rights. She did not object to the discharge. Thereafter, the discharge authority approved the request for discharge and noted that the command had been involved in attempting to find relief for Petitioner's childcare situation. He stated that there were no other adult family members suitable to provide long-term care for the child, and reliable short-notice and/or long-term professional childcare was not within the financial means of an E-4 with no additional financial resources.

f. Petitioner was honorably discharged on 30 July 1993 and assigned an RE-4 reenlistment code. The record reflects that she was assigned an RE-4 reenlistment code because of her separation for parenthood.

g. Regulations authorize the assignment of an RE-3B or RE-4 reenlistment code to individuals discharged by reason of parenthood. An RE-3B reenlistment code means the individual is eligible for reenlistment except for the disqualifying factors which led to the discharge. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval of Commander, Navy Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was advanced to BM3 and had no disciplinary actions during nearly three years of service, and her overall performance was rated above average to excellent. The Board could find no demonstrable reason why Petitioner should be assigned the most restrictive reenlistment

code of RE-4. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3B to more appropriately correspond with the reason for discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 30 July 1993, to RE-3B.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

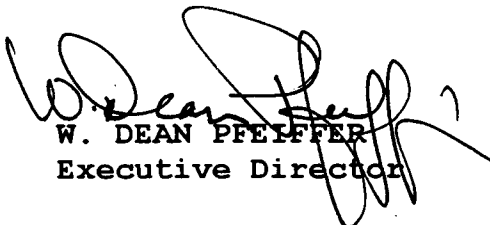
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director